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FILED
CLERK, U.S. DISTRICT COURT

2005 JAN 11 P 3:18



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

CODY JUDY,

Plaintiff,

vs.

BOB BENNETT, STATE ELECTION
OFFICIALS, MICA McKINNEY,

Defendants.

**STATE ELECTION DEFENDANTS'
MOTION TO DISMISS**

Case No. 2:04CV01110

Judge Dee Benson

Utah State Election Officials and Mica McKinney ("State Election Defendants") hereby move the Court to dismiss plaintiff's *Complaint and Contest of Election* (docket No. 1) pursuant to Rule 12(b)(6) Fed. R. Civ Pro.

Dismissal is justified as a matter of law because (1) plaintiff lacks standing; (2) the court lacks subject matter jurisdiction because plaintiff has not stated a substantial federal claim; and (3) because the State Election Defendants are immune from suit. A memorandum in support of this motion has been filed with this motion.

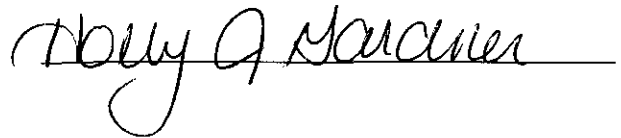


CERTIFICATE OF SERVICE

I certify that on the 1st day of January, 2005, I caused a true and correct copy of the foregoing **STATE ELECTION DEFENDANTS' MOTION TO DISMISS** to be mailed by U.S. mail to:

Cody Judy
2459 South Main Highway 89
Suite 6
Bountiful, Utah 84010

Jesse C. Trentadue
SUITTER AXLAND
175 South West Temple, Suite 700
Salt Lake City, Utah 84101-1480

A handwritten signature in cursive script, reading "Dolly A. Gardner", is written over a horizontal line.